

REMARKS

I. INTRODUCTION

In response to the Advisory Action dated February 16, 2005, subsequent to the second Response under 37 C.F.R. §1.116 dated February 18, 2004, and in conjunction with the Request for Continued Examination (RCE) submitted herewith, no claims have been canceled, amended or added. Claims 1-12 remain in the application. Entry of these remarks, and re-consideration of the application, is requested.

II. INTERVIEW SUMMARY RECORD

Record is made of a telephonic interview that occurred on February 23, 2005 between Examiner Ryman and Applicant's attorney. In the telephonic interview, Examiner Ryman stated that the Declaration under 37 C.F.R. §1.131 submitted with the second Response under 37 C.F.R. §1.116 dated February 18, 2004, would not be entered, because it was not seasonably presented. Consequently, Applicant's attorney is submitting the Declaration under 37 C.F.R. §1.131 herewith.

III. PRIOR ART REJECTIONS

In paragraphs (2)-(3) of the Office Action, claims 1, 2, 5, 6, and 9-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes et al., U.S. Patent No. 6,711,147 (Barnes). In paragraph (11) of the Office Action, claims 3, 4, 7, and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes as applied to claim 1, and further in view of Olkkonen, WO 98/43456 (Olkkonen).

Applicants' attorney respectfully traverses these rejections.

Applicants' attorney submits herewith a Declaration under 37 C.F.R. §1.131 by inventor David J.Y. Lee to eliminate as a reference U.S. Patent No. 6,711,147 (Barnes). (Co-inventor William C.Y. Lee was contacted by email, but did not return an executed Declaration).

Applicants' invention was conceived prior to April 1, 1999, and that development of the invention proceeded on a continuous basis from prior to April 1, 1999, eventually culminating in the filing of the United States Provisional Patent Application No. 60/138,221 on June 9, 1999, and the above-identified United States Utility Patent Application No. 09/589,974 on June 8, 2000.

Note that Barnes was filed on June 15, 1999 and claims a priority to United States Provisional Patent Application No. 60/127,406 filed April 1, 1999. Consequently, Barnes is eliminated as a reference by the Declaration under 37 C.F.R. §1.131.

Thus, Applicants' attorney submits that independent claims 1, 6, and 12 are allowable over the references. Further, dependent claims 2-5 and 7-11 are submitted to be allowable over the references in the same manner, because they are dependent on independent claims 1, 6, and 12, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-5 and 7-11 recite additional novel elements not shown by the references.

III. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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